

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KRISTIN WYNN and
FRED WYNN,

Plaintiffs,

v.

KYUNG LEE

Defendant.

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CIVIL ACTION

FILE NO. _____

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

The Petition of Defendant Kyung Lee respectfully shows the Court as follows:

1.

A civil action has been brought against the Petitioner in the Superior Court of Fulton County, State of Georgia, by the above-named Plaintiffs, said action being designated as Civil Action No. 2023CV380375 in which Plaintiffs Kristin Wynn and Fred Wynn seek to recover certain damages from the Defendant.

2.

The Plaintiffs are now, were at the time of the commencement of this action, and at all times since have been citizens and residents of the State of Georgia.

3.

Defendant Kyung Lee is now, was at the time of the commencement of this lawsuit, and at all times since, been a citizen and a resident of the State of Georgia.

4.

Defendant Kyung Lee attaches a copy of the Summons and Complaint For Damages and Demand for Jury Trial, marked Exhibit “A”, a copy of an Answer of Kyung Lee, marked Exhibit “B”, a copy of the Jury Demand filed by Kyung Lee, marked Exhibit “C”, a copy of the Leave Of Absence filed by James W. Hardee, marked Exhibit “D”, and a copy of the Acknowledgement of Receipt of Costs, marked Exhibit “E”, all filed in the Superior Court of Fulton County, Georgia.

5.

In the Complaint (Exhibit “A”) filed by the Plaintiffs in the Superior Court of Fulton County, Plaintiffs Kristin Wynn and Fred Wynn assert claims for discrimination alleging that Defendant Kyung Lee “treated Plaintiffs in a discriminatory manner because of the color of their skin.”

6.

Furthermore, Plaintiffs allege in a separate claim that Publix violated her civil rights.

7.

Defendant Kyung Lee has filed this Petition for Removal of said action to this Honorable Court. It is noted that the Pro Se Plaintiff Kristin Wynn filed a related case previously removed to this Court. This is a repetitive action as it pertains to Kristin Wynn and arises out of the exact same set of facts as alleged in the Plaintiff's Complaint, Case No. 1:23-CV-02786-ELR presenting pending before the Honorable Eleanor L. Ross.

8.

Pursuant to 28 U.S.C. § 1441, et seq., and 28 U.S.C. § 1367, this action is now removable by reason of Federal law claims alleged by Plaintiffs pursuant to 28 U.S.C. § 1441(c)(1)(A). This Court also has supplemental jurisdiction over all other claims alleged in Plaintiffs' Complaint as they arise and form part of the case or controversy.

WHEREFORE, Defendant Kyung Lee files this Petition for Removal of said cause to this Court.

Respectfully submitted this 17th day of July, 2023.

FAIN, MAJOR & BRENNAN, P.C.

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*Counsel for Defendants Katherine
Jimenez and Publix Super Markets,
Inc.*

CERTIFICATION OF COUNSEL

Pursuant to L.R. 7.1(D) N.D.Ga., I certify that this document has been prepared in Times New Roman Font 14 point, as approved by the Court in L.R. 5.1B, N.D.Ga.

FAIN, MAJOR & BRENNAN, P.C.

James W. Hardee

JAMES W. HARDEE

Georgia State Bar No. 324399

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KRISTIN WYNN and	:	
FRED WYNN,	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	FILE NO. _____
	:	
KYUNG LEE	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the foregoing **Removal Petition** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

Kristin Wynn
Fred Wynn
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Marietta, GA 30008
Kristin.v.wynn@gmail.com
Fawynn63@yahoo.com

This 17th day of July, 2023.

FAIN, MAJOR & BRENNAN, P.C.

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